

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRANSPORTES NAVIEROS Y :
TERRESTRES, S.A. DE D.V., :
: Plaintiff, :
: : 07-CV-3076(LAP)
- against - :
FAIRMOUNT HEAVY TRANSPORT N.V., :
: Defendant, :
----- X

TNT'S MOTION FOR STAY

NOW COMES plaintiff, Transportes Navieros y Terrestres, S.A. de C.V ("TNT"), and respectfully moves for an Order staying execution of the Court's Order of earlier today (July 9, 2007), considering that:

1. Fed R. Civ. P. 62(a) provides for an automatic ten-day stay of Court judgments, providing in part: "Except as stated herein, no execution shall issue upon a judgment nor shall proceedings be taken for its enforcement until the expiration of ten days after its entry."
2. Rule 62(a) applies to rulings vacating or modifying *ex parte* orders or attachment under Rule B. See, e.g., *Rapture Shipping, Ltd. v. Allround Fuel Trading B.V.*, 06 Civ. 5296, "Memorandum Order" of August 30, 2006 (S.D.N.Y. August 30, 2006) (Keenan, J.) (Exhibit "A"); *Status Int'l S.A. v.*

M&D Mar. Ltd., No. 97 Civ 9313(SAS), 1998 WL 108007, at *4 (S.D.N.Y.

March 11, 1998) (Exhibit "B").

3. TNT respectfully intends to move for reconsideration and/or appeal of the Court's reduction in the amount of attached funds to the nominal sum of \$15,000.
4. The Court's Order of July 9, 2007 directs that the funds under attachment (save for \$15,000) be "released promptly."
5. In order to prevent the funds from being released prematurely in violation of Rule 62, TNT respectfully prays that an Order be issued through July 23, 2007 staying enforcement of the Order (i.e. ten days, exclusive of legal holidays from July 9, 2007).

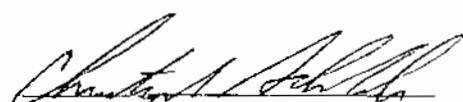
WHEREFORE, the premises considered, TNT respectfully prays for an Order staying through July 23, 2007 enforcement of this Court's Order of July 9, 2007.

The Plaintiff,

TRANSPORTES NAVIEROS Y
TERRESTRES, S.A. DE D.V..

*Enforcement of the
Order of July 9, 2007
is stayed through
and including
July 23, 2007.*

By:


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SO ORDERED

Loretta A. Preska
LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

July 11, 2007